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In the Supreme Court of the United States

OCTOBER TERM, 1965

No. 384

EMMETT J. STEBBINS, APPELLANT

v.

JOHN W. MACY, JR., CHAIRMAN, CIVIL SERVICE COMMISSION, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Treating petitioner's appeal as a petition for a writ of certiorari, it represents another of petitioner's numerous attempts to have the Court review the refusal of the United States District Court for the District of Columbia to permit him to intervene in cases finally adjudicated—*Kirkpatrick* v. *Gray, et al.* and *Donaldson* v. *Priestly, et al.*, 198 F. 2d 533 (C.A. D.C.), certiorari denied, 344 U.S. 880 (November 10, 1952); *Bander* v. *United States*, 158 F. Supp. 564 (C. Cls.), certiorari denied, 358 U.S. 855 (October 13, 1958). This claim was the subject of three petitions last Term: No. 152, Misc., denied October 12, 1964; No. 496, Misc., denied December 14, 1964; and No. 880, Misc., denied March 29, 1965. Plainly, the

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district court was without jurisdiction to entertain petitioner's present request. Moreover, petitioner never has noted an appeal from that decision to the Court of Appeals. There is, therefore, no jurisdictional basis for the petition.

For the foregoing reasons, it is respectfully submitted that the petition for a writ of certiorari should be denied.

RALPH S. SPRITZER,
Acting Solicitor General.

AUGUST 1965.

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